IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5116 of 2003

Between:

1 S.Srinivasarao s/o Late Peddabbaiah
M/s Chamundeswari Agencies., R/o 11-53-25., B-3 MVR Comples.,
Sobhanadri land., Vijayawada.
2 P.V.P.Chandra Gupta s/o Sri Kutumbarao
R/o 1-3-225, Four Pillers Centre., Vidyadharapuram.,
Vijayawada.
3 P.Uma Maheswararao s/o Ramarao
R/o 1-3-225, Four Pillers Centre., Vidyadharapuram.,
Vijayawada.

..... PETITIONER

AND

1 Secretary.,Ministry of Finance., Jeevandeep Building.,Sansad Marg,
New Delhi.
2 Zonal Manager.,Andhra bank Zonal Office, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue any appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the provisions of section 13(2) the Securitisation and Reconstruction of Financial Assets and Enforcement of Security interest Act 2002 as unconstitutional and violative of Art 14 of the constitution of India and to consequentially declare the notice issued by the 2nd respondent dated 28-12-2002 as illegal and to direct the respondents herein to act in accordance with the law.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent No.1: Mr. A. Rajasekhar Reddy

Counsel for the Respondent No.2: Mr. Nooty Ramamohana Rao

The Court made the following Oral Order : (per Sri Devinder Gupta, CJ)

W.P. No. 5116 of 2003

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

Date: 2nd September, 2004

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C.V.RAMULU,J

Pnb

To

1 The Secretary.,Ministry of Finance., Jeevandeep Building.,Sansad Marg, New Delhi.
2 The Zonal Manager.,Andhra bank Zonal Office, Vijayawada.

3 Two C.D. copies